

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, December 14, 2005**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, December 14, 2005, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Young called the meeting to order. Present in addition to Mr. Young were Commissioners Pons, Hertzler, McBeth, Friend, and Rose. Absent was Commissioner Smith. Staff members present were Planning Director Nester, City Attorney Phillips, Assistant City Attorney Workman, Zoning Administrator Murphy and Secretary Scott.

MINUTES

Mr. Friend said that although there is no need to change the minutes of the November 16 regular meeting, he would like it to be noted that regarding PCR #05-031 (Health Evaluation Center), he is sorry the Center is going in at this location and wishes it could go somewhere else. Mr. Pons then moved that the minutes of the November 16 regular meeting, and the work sessions on November 17 and December 1 be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Young, McBeth, Friend, Hertzler, Rose
Nay: None
Absent: Smith

CONSENT AGENDA

Mr. Pons moved and Mr. Hertzler seconded the motion to approve **SPR #05-011: Williamsburg Lodge, 310 South England Street – North Parking Lot, 85 spaces.** The motion carried by roll call vote of 6-0.

PUBLIC HEARINGS

PCR #05-033: Request of Yankee Candle for a special use permit to use 2180 Richmond Road as an “outdoor waiting area” for the Yankee Candle Store located at 2200 Richmond Road. The property is zoned B-2 Tourist Business District. This lot was proposed as a future restaurant site. It is proposed to use the future building pad as an outdoor waiting area in conjunction with the Yankee Candle Store. The Commission recommended approval of the special use permit with contingencies by a vote of 6-0.

Mr. Nester reviewed the memorandum dated December 5, 2005 and stated that staff's recommendation would be for Option #1 in part because the walkway proposed is

preferred and the benches are a good match to the area. He added that either Option #1 or Option #2 is an improvement over the original proposal. Mr. Hertzler asked which option the applicant prefers and Mr. Nester noted the applicant is present at the meeting today to respond to that question.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

Messrs. Pons and Hertzler agreed that either option is an improvement over the original proposal and would look fine.

Mrs. McBeth said the applicant needs to decide which option they prefer and there should be a time horizon placed on the approval.

Mr. Rose noted in the applicant's letter it was stated that the proposed waiting area would be there for a minimum of one year with the option of having a restaurant by right at a future time; no special use permit would be required.

Mr. Hertzler said he's stumped on how the site is going to be used. Which of the two options would be more appealing visually - flagstone or brick - and how would they be used? Mr. Rose responded that the area is currently just a dirt path and the Architectural Review Board can address actual materials.

Mr. Nester pointed out that the Architectural Review Board will review site elements but not the walkway. It's possible to approve both options and let the applicant make a choice between the two; also to specify the walkway material.

Mr. Young asked for caution to be sure the area is not being set up for various promotional pieces. He supports approving either option.

Mr. Pons moved that Commission recommend the Special Use Permit be approved for the "outdoor waiting area," either Option #1 or Option #2 at the applicant's discretion, for a period of two years, contingent upon the approval of the design of the benches and other site elements by the Architectural Review Board. Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Mr. Hertzler added that the goal is to get a restaurant established at the site.

Recorded vote on the motion:

Aye: Pons, Young, McBeth, Friend, Hertzler, Rose
Nay: None
Absent: Smith

Chairman Young stated that the following three requests are related and although they will be voted on separately, they will be discussed simultaneously.

PCR #05-034: Request of L&B Quarterpath, LLC, to rezone approximately 13.57 acres at 300, 301 and 309 Bassett Drive, and 207, 209, 301, 405 and 490 Quarterpath Road from RS-2 Single Family Dwelling District to RM-1 Multifamily Dwelling District Conditional. The Village at Quarterpath, a residential development with 41 single family dwellings and 36 townhouses, is proposed. The Commission recommended approval of the rezoning by a vote of 6-0.

PCR #05-035: Request of L&B Quarterpath, LLC, amend Chapter 21, Zoning, of the Williamsburg City Code, RM-1 District, Section 21-192(4)a. to allow the reduction of front yards in addition to side and rear yards with a special use permit in order to allow an innovative or creative layout of dwellings. This revision is proposed as a part of The Village at Quarterpath development. The Commission recommended approval of the amendment by a vote of 6-0.

PCR #05-036: Request of L&B Quarterpath, LLC, for a special use permit (and preliminary subdivision plat) in the RM-1 District for The Village of Quarterpath in accordance with Section 21-192(4)a and Article IIIA of the Subdivision Ordinance. The property is located at 300, 301 and 309 Bassett Drive; and 207, 209, 301, 405 and 490 Quarterpath Road. The property is also proposed to be rezoned from RS-2 to RM-1. The Commission recommended approval, with a note, of the special use permit by a vote of 6-0.

Mr. Nester reviewed the memorandum dated December 14, and noted that this "Traditional Neighborhood Design" project would consist of 41 single-family homes and 36 townhouses. He said the 13.6 acres works out to be six units per net acre and there will be a variety of dwelling designs. More work needs to be done on road design, but even without the bike paths, about 65% of the trees on the Quarterpath Park side will need to be removed to widen Quarterpath Road.

Mr. Nester said that the 1998 Comprehensive Plan designates this area as Medium Density Single Family Detached land use at a density of 3 to 5 dwelling units per net developable acre. The draft of the 2005 Comprehensive Plan, which has not yet been approved by Planning Commission or City Council, proposes this area as Medium Density Multifamily Residential land use (8 units/net acre), and this proposal is in accord with those draft recommendations. He said that the draft Plan also discussed the need for more affordable low and moderate income housing, and listed Roses Trailer Park as one of five areas in the City that could be suitable for having a portion of the site used for affordable housing.

Mr. Nester stated that the technical issues that were noted in the December 9 memorandum have been resolved, and that the proposed proffers are acceptable. The proffers cover the following issues:

1. Development generally in accordance with the Village Plan entitled "The Neighborhood Plan, The Village at Quarterpath, Williamsburg", dated November 18, 2005.
2. Participation in the cost of the Quarterpath Road improvements, estimated to be \$2,000,000 (including \$350,000 for improvements to the Quarterpath Road/York Street intersection which is not a part of this proffer), as follows:

- \$250,000 L&B Quarterpath LLC share of construction costs, plus one-half share of expenditures over \$1,650,000 with a maximum of \$200,000.
- L&B Quarterpath LLC obligation to prepare plans for Quarterpath Road design (Quarterpath Improvements).
- Total obligation is a maximum of \$450,000, plus the design of the Quarterpath Improvements.

These proffers will be added to the following other funding sources:

- \$1,150,000 Riverside Proffer for Quarterpath Road construction and \$100,000 Riverside Proffer for Quarterpath Road/York Street traffic signal.
- \$250,000 City share of Quarterpath Road improvements, \$250,000 City share of Quarterpath Road/York Street intersection improvements, and one-half share of expenditures over \$1,650,000 with a maximum of \$200,000. Total City obligation is up to \$700,000.

Up to \$2,400,000 (plus the design of the Quarterpath Improvements) is available for the Quarterpath Road improvements, which exceeds the current estimate of \$2,000,000:

- Riverside – up to \$1,250,000
 - City – up to \$700,000
 - L&B Quarterpath – up to \$450,000 plus design of the Quarterpath Improvements
3. Establishment of a PPTA (Public-Private Transportation Act of 1995) private entity to construct the Quarterpath Road improvements. L&B Quarterpath will provide construction administration services for the PPTA at no additional cost.
 4. Contribution of the dwelling unit located at 207 Quarterpath Road to Housing Partnerships, Inc. for relocation to a site designated by Housing Partnerships in the City.

Mr. Nester said that City staff has reviewed the traffic study for The Village at Quarterpath, and has made the following determinations:

- A left turn lane from Quarterpath Road onto York Street needs to be constructed in conjunction with the widening of Quarterpath Road alongside The Village at Quarterpath and south to Redoubt #2.

- The left turn lane on York Street onto Quarterpath Road needs to be added in conjunction with the installation of the traffic signal at the Quarterpath Road/York Street intersection.
- The right turn taper/right turn lane in front of the Quarterpath Inn on York Street may not be necessary at this time.

Mr. Nester noted that the Site Plan Review Committee reviewed the design for The Village at Quarterpath at their November meeting and felt it was acceptable contingent on the resolution of the technical issues.

Mr. Pons stated that he is the Vice-President of the corporation that owns Quarterpath Inn but does not anticipate any conflict of interest. City Attorney Phillips confirmed that as long as Mr. Pons' ownership does not unduly affect the proceedings, there is no conflict.

Chairman Young opened the public hearing on all three requests.

Kaufman & Canoles Consulting President, Barry DuVal, representing the applicant, L & B Quarterpath, LLC, thanked Mr. Nester for his diligent work on the project. He then proceeded to give an overview of the project, The Village at Quarterpath. Mr. DuVal noted the traditional neighborhood design and pedestrian-friendly nature of the community. Considered a redevelopment plan, Mr. DuVal said there will be pocket parks and a village green with over an acre of land that will serve as a park and gathering spot. He noted that Mr. Lackey Papis, representing ownership of the majority of the property, is present here today. He continued by saying all involved are sensitive to, and want to be compatible with, the surrounding area. There will be sidewalks and dwellings with brick or hardiplank and front porches that are eight feet deep.

Mr. DuVal introduced Adam Woodall from Housing Partnership, who explained the donation by the developer to a family of six, previously having lived at Roses Trailer Park. The family's income does not allow purchase of a conventional home in the City and the developer is donating a house on one of the parcels they have purchased and will move it to another parcel in the City of Williamsburg. This will allow a safe and dry home for the family and also allow them to remain in the City.

There being no additional comment the public hearing was closed.

Mr. Hertzler asked if street improvements would include burying overhead utility lines and Mr. Nester responded they would not be included. To Mr. Hertzler's query regarding the cost of such action, Mr. Nester said there has been no cost estimate, but it would be extremely expensive. There is no proposal to bury current lines, but any new ones within the subdivision will be buried. Mr. Hertzler said he is concerned for the houses that will front Quarterpath Road and will have massive power lines in front of them. It seems the City is missing a good opportunity to put the lines underground.

Mr. Young added that the cost may be substantial now, but even more so in the future. Mr. Nester said that when the proposal is at the site plan stage, detailed plans will come back to the Commission. There will be a lot more detail as the plans progress to the development plan stage. Mr. Young asked what the City is doing in regard to burying utility lines and asked if we will take advantage of this opportunity. Mr. Nester responded that there is currently discussion in conjunction with the Riverside project, but it's not being envisioned as a part of Quarterpath Road improvements due to the cost. He added that the Planning Commission could make a recommendation that the underground wiring be considered by the City. Mr. Rose suggested the CIP will be discussed next month and that this might be a more appropriate time to address the issue. Mr. Nester agreed with Mr. Rose's comment that this topic would be more appropriate during the CIP discussion. Mr. Hertzler pointed out that this is an important major corridor to the Riverside property and should be a City-initiated project and one of the CIP recommendations.

Mr. Pons stated that the developer, Wermers Development, Inc. has submitted a proposal that is a very positive development and he's glad to see good materials are to be used.

Mr. Hertzler raised the issue of drainage with the higher density housing and Mr. Nester responded that changes specific to this development are being incorporated into the City's Zoning Ordinance. Higher density requires all construction to be exactly as designed, and we'll need to be vigilant as we acquire more high density housing projects. Mr. DuVal noted that one of the options being considered is to have a drainage system under the village green rather than a retention pond.

In response to Mr. Hertzler's question as to when construction will begin, Mr. DuVal said it will probably be mid- to late summer if all goes well.

Mrs. McBeth asked if there will be gated access to the community or will it be open and will it connect with Riverside. Mr. Nester answered it will be open but not connected to the Riverside development (Quarterpath at Williamsburg). There is an option to extend the new street south if the Colonial Williamsburg nursery is ever redeveloped.

Mr. Rose moved that the Commission recommend approval of **PCR #05-034**: Request of L&B Quarterpath, LLC, to rezone approximately 13.57 acres at 300, 301 and 309 Bassett Drive, and 207, 209, 301, 405 and 490 Quarterpath Road from RS-2 Single Family Dwelling District to RM-1 Multifamily Dwelling District Conditional, incorporating all of the terms and conditions of the Proffer Agreement. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Young, Rose, Friend, Hertzler, McBeth

Nay: None

Absent: Smith

Mr. Rose moved that the Commission recommend approval of **PCR #05-035**: Request of L&B Quarterpath, LLC, amend Chapter 21, Zoning, of the Williamsburg City Code, RM-1 District, Section 21-192(4)a. to allow the reduction of front yards in addition to side and rear yards with a special use permit in order to allow an innovative or creative layout of dwellings. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Young, Rose, Friend, Hertzler, McBeth
Nay: None
Absent: Smith

Mr. Hertzler moved that the Commission recommend approval of **PCR #05-036**: Request of L&B Quarterpath, LLC, for a special use permit (and preliminary subdivision plat) in the RM-1 District for The Village of Quarterpath in accordance with Section 21-192(4)a and Article IIIA of the Subdivision Ordinance, as detailed below. Mr. Rose seconded the motion which carried by roll call vote of 6-0.

Special Use Permit

The Special Use Permit for the Village at Quarterpath is approved for the following reduced yard requirements, as shown on the plan titled "The Village at Quarterpath, Site Plan Rezoning Submittal, Preliminary Site Plan, Rezoning and Special Use Permit Submittal," dated November 19, 2005, prepared by Wermers Development, Inc.

1. Front yard – 10 feet. No encroachments into the 10 foot front yard are permitted except for steps and covered porches for townhouse units (8 foot maximum width, 5 foot encroachment into the front yard permitted).
2. Side yard – 5 feet. No encroachments into the 5-foot side yard are permitted.
3. Corner side yard – 8 feet. No encroachments into the 8-foot corner side yard are permitted.
4. Rear yard – 25 feet. Unenclosed porches, terraces, balconies and decks may extend 12 feet into the required rear yard. "Unenclosed" shall mean no side enclosure, other than railings, that is more than 18 inches in height, exclusive of screens.
5. Accessory building side yard – 3 feet.
6. Accessory building rear yard – 5 feet.

The special use permit is subject to the following conditions:

- a. *Yard drainage.* Because of the reduced yards approved by the special use permit, the development plan shall include detailed provisions for handling yard drainage. The City reserves the right to require a yard drain system to convey stormwater from roofs and driveways into the stormwater system for the subdivision.
- b. *Finished floor elevation.* No work on a new building or accessory building shall be approved to proceed above the foundation or slab until the zoning administrator has received a survey prepared by a land surveyor licensed to

practice in accordance with Code of Virginia, §54-17.1, as amended, showing that the foundation or slab, as constructed, is located in accordance with the approved development plan, and has a finished floor elevation in accordance with the approved development plan.

- c. *Grading.* Prior to the issuance of a certificate of occupancy for any dwelling unit, there shall be written certification by an engineer or land surveyor licensed to practice in accordance with Code of Virginia, §54-17.1, as amended, that the final lot grading has been completed in substantial conformity with the approved development plan.
- d. *Modifications.* Modifications to the finished floor elevations and grading plan contained in the approved Development Plan shall require approval by the plat-approving authority.
- e. *Notification of Quarterpath Park activities.* Purchasers of houses in The Village at Quarterpath shall be advised of potential noise producing activities in Quarterpath Park and a notice to that effect shall be included in the Home Owner's Association documents. The language of the notice shall be approved by the City Attorney.

Preliminary Plat (Master Plan)

The Preliminary Plat (Master Plan) for The Village at Quarterpath is approved as detailed on the plan entitled "The Neighborhood Plan, The Village at Quarterpath, Williamsburg," dated November 18, 2005, prepared by Wermers Development; and on the plan entitled "Preliminary Site Plan, Rezoning and Special Use Permit Submittal," dated November 19, 2005, prepared by Wermers Development, Inc., contingent upon the following:

- 1. Development in accordance with the approved special use permit
- 2. Resolution of engineering details for water, sanitary sewer, storm drainage and streets to the satisfaction of City staff.
- 3. Design and approval of a stormwater management plan acceptable to the City as a part of the approval of the Development Plan for the subdivision. This may include off-site easements and drainage outfall channel improvements.

Underground Wiring

City Council should look closely at providing funding for underground wiring for this section of Quarterpath Road during the preparation of the Capital Improvement Program.

Recorded vote on the motion:

Aye: Pons, Young, Rose, Friend, Hertzler, McBeth
Nay: None
Absent: Smith

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

SPR #05-011: Williamsburg Lodge, 310 South England Street – North Parking Lot, 85 spaces was approved under the consent agenda.

OLD BUSINESS

PCR #05-026: Revision of Chapter 21, Zoning, of the Williamsburg City Code, by revising Article IX, Architectural Review, to add three sub-areas to the Architectural Preservation District Map [Sec. 21-851]; to add the procedure for the adoption of the Design Review Guidelines [Sec. 21-853(h)]; and to delete the requirement that Planned Unit Developments approved prior to October 10, 1991, be required to have building designs approved by the Architectural Review Board. The Commission recommended approval by a vote of 5-0-1.

PCR #05-027: Revision of Chapter 21, Zoning, of the Williamsburg City Code, by amending the Official Zoning Map, Architectural Review Districts, to revise the boundaries of the Architectural Preservation District (AP) and the Corridor Protection District (CP), and to establish three zones relating to design review guidelines in the AP District (AP-1, AP-2 and AP-3). The Commission recommended approval by a vote of 5-1.

ARB #05-073: Revision of the Design Review Guidelines, which are used by the Architectural Review Board in reviewing requests for the erection, reconstruction, alteration, restoration, razing, demolition or moving of buildings, structures, signs and/or exterior architectural features in the Architectural Preservation (AP) and Corridor Protection (CP) Districts. The Commission recommended that the revised Design Review Guidelines be approved by a vote of 5-1.

Zoning Administrator Murphy reviewed the memoranda dated December 9.

Mr. Pons complimented Mrs. Murphy and Mr. Nester on recapping the information gathered from the work session and other discussions into the revised Guidelines. He added that it's interesting we are looking to exclude certain properties, but those properties want to continue to be included.

Mr. Rose agreed with Mr. Pons and also commended the planning staff on their hard work. Mr. Rose added that he will vote against inclusion in the AP zone of the four lots on Mimosa Drive.

Mr. Pons moved that the Commission recommend that **PCR #05-026**: That Article IX. Architectural Review, be amended to add three sub-areas to the Architectural Preservation District [Sec. 21-851(b)], add the procedure for the adoption of the Design Review Guidelines [Sec. 21-853(h)], and delete the requirement that Planned Unit Developments approved prior to October 10, 1991, be required to have building designs approved by the Architectural Review Board [Sec. 21-864]. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye: Pons, Young, Rose, Hertzler, McBeth
Nay: None
Abstain: Friend
Absent: Smith

Mr. Hertzler moved the Commission recommend that the Architectural Review Districts Map be amended to revise the boundaries of the Architectural Preservation District (AP) and the Corridor Protection District (CP), and to establish three zones relating to design review guidelines in the AP District (AP-1, AP-2 and AP-3), **PCR #05-027**. He added that his motion includes the four lots on Mimosa Drive in the AP District. Mrs. McBeth seconded the motion which carried by roll call vote of 5-1.

Recorded vote on the motion:

Aye: Pons, Young, Friend, Hertzler, McBeth
Nay: Rose
Absent: Smith

Mr. Friend stated that at last month's Commission meeting legal issues were raised and City Attorney Phillips noted the Dillon rule. Mr. Friend asked Mr. Phillips if he's satisfied these proposals are within the Commission's authority and Mr. Phillips responded, "Yes".

ARB #05-073: Revision of the Design Review Guidelines, which are used by the Architectural Review Board in reviewing requests for the erection, reconstruction, alteration, restoration, razing, demolition or moving of buildings, structures, signs and/or exterior architectural features in the Architectural Preservation (AP) and Corridor Protection (CP) Districts. The Commission recommended approval by a vote of 5-1.

Mrs. McBeth moved and Mr. Pons seconded the motion that the Design Review Guidelines be amended as detailed in the document entitled, "Design Review Guidelines", dated 11-10-05.

Recorded vote on the motion:

Aye: Pons, Young, Friend, Hertzler, McBeth
Nay: Rose

Absent: Smith

Mr. Young expressed appreciation for the long hard work involved in the review of the Design Review Guidelines.

NEW BUSINESS - None

OTHER

2005 Planning Commission Annual Report

The 2005 Planning Commission Annual Report was accepted without comment.

Work Session

The Commission will have a work session at 4:00 p.m. tomorrow, December 15 to discuss the Comprehensive Plan.

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

There being no further business the meeting adjourned at 5:05 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR JANUARY 18, 2005

CIP: Five-Year Capital Improvement Program (FY07 to FY11). Citizens are requested to present items for inclusion in the Capital Improvement Program.